IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

MONSANTO COMPANY and)
MONSANTO TECHNOLOGY LLC,)
71 1 100)
Plaintiffs,)
)
VS.)
E.I. DUPONT DE NEMOURS AND) Case No. 4:09-cv-00686-ERW
COMPANY and PIONEER HI-BRED)
INTERNATIONAL, INC.,)
)
Defendants.)

MONSANTO'S MOTION TO DEEM DEFENDANTS' SUMMARY JUDGMENT MOTIONS AS FILED ON JUNE 1, 2011

Plaintiffs Monsanto Company and Monsanto Technology LLC (collectively "Monsanto") respectfully move the Court for an order deeming that Defendants' two motions for summary judgment filed on February 18, 2011 be deemed filed on June 1, 2011 – the date set forth in the most recent proposed case management order for the close of expert discovery (Dkt. No. 632) – so that the parties' briefing and the Court's consideration of them takes place after the close of all discovery, at a more appropriate and efficient time in the litigation. Monsanto incorporates by reference its memorandum in support as if fully stated herein.

WHEREFORE, Monsanto respectfully requests that the Court deem both motions filed as of June 1, 2011, and set a briefing schedule and hearing date in accordance with that filing date.

Dated: March 8, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 8th day of March, 2011, the foregoing was filed electronically with the Clerk of the Court for the United States District Court for the Eastern District of Missouri, Eastern Division, and was served by operation of that Court's electronic filing system, upon the following:

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